

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

v.

STANLEY RODRIGUEZ

**CRIMINAL ACTION
NO. 07-709**

**CIVIL ACTION
NO. 13-4818**

ORDER

AND NOW, this 19th day of March, 2015, upon consideration of Defendant's Motion for New Trial Pursuant to Federal Rule of Criminal Procedure 33 (Document No. 207, filed August 19, 2013); Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 208, filed August 19, 2013); and the related submissions of the parties, for the reasons stated in the accompanying Memorandum dated March 19, 2015, **IT IS ORDERED** as follows:

1. Defendant's Motion for New Trial Pursuant to Federal Rule of Criminal Procedure 33 is **DENIED**;
2. Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **DENIED**;
3. Defendant's request for an evidentiary hearing with respect to his claims under Federal Rule of Criminal Procedure 33 and 28 U.S.C. § 2255 is **DENIED**;
4. A certificate of appealability **WILL NOT ISSUE** because reasonable jurists would not debate this Court's decision that defendant's § 2255 Motion does not state valid claims of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
5. The Clerk of Court shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.